

# **EXHIBIT B**

Exhibit B

**In The Matter Of:**

*Eli Mistovich, Jr. v.  
Elizabeth Bowden, et al.*

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*Elizabeth R. Bowden  
Vol. 1, September 27, 2005*

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**Word Index included with this Min-U-Script®**

Page 4

[1] Eli Mistovich. Have you ever been deposed before in  
[2] any deposition?  
[3] A: No.  
[4] Q: I will be asking you some questions. I'd  
[5] ask you to wait until I finish the question before  
[6] you answer, so the stenographer can take everything  
[7] down. And also if the answer is "yes" or "no,"  
[8] please don't nod your head. Please just say "yes"  
[9] or "no" — it's common things that people do in  
[10] depositions — so we can get the answer.  
[11] If you don't understand any of my  
[12] questions, just state it, and I'll be happy to  
[13] rephrase it. And if you want to take a break at any  
[14] time, you just so indicate. Okay?  
[15] A: Okay.  
[16] Q: Would you state your full name for the  
[17] record.  
[18] A: Elizabeth Rose Bowden.  
[19] Q: And what's your home address?  
[20] A: 48 Spencer Crescent, Guelph, Ontario,  
[21] Canada, N1L1M2.  
[22] Q: And how old are you?  
[23] A: Forty-six.  
[24] Q: Okay. And are you married?

Page 6

[1] A: P-a-t-h-e-o-n.  
[2] Q: And where is Patheon located?  
[3] A: Mississauga, Ontario.  
[4] MR. TEAGUE: Off the record.  
[5] (Discussion off the record)  
[6] Q: What's the nature of the business of  
[7] Patheon?  
[8] A: Contract pharmaceutical.  
[9] Q: Would you explain what that means.  
[10] A: They either produce or research  
[11] pharmaceutical products for other pharmaceutical and  
[12] biotech companies.  
[13] Q: And what is your position with Patheon?  
[14] A: Director of human resources.  
[15] Q: And how long have you been with Patheon?  
[16] A: Two months.  
[17] Q: And what was your next previous employment  
[18] before Patheon?  
[19] A: MassBay Commuter Railroad Company.  
[20] Q: And during what time period were you  
[21] employed by — we'll call it "MBCR" for shorthand  
[22] for this deposition.  
[23] A: Okay.  
[24] Q: During what time period were you employed

Page 5

[1] A: No.  
[2] Q: Are you a college graduate?  
[3] A: You'll have to explain. American or  
[4] Canadian? I apologize.  
[5] Q: Are you a citizen of Canada?  
[6] A: Yes.  
[7] Q: Would you describe your educational  
[8] background.  
[9] A: I have a university degree, bachelor of  
[10] arts degree from the University of Guelph.  
[11] Q: And what year did you receive that?  
[12] A: 2004.  
[13] Q: And what was your major field of study?  
[14] A: It's a general arts degree.  
[15] Q: And any other — any post-university  
[16] education?  
[17] A: Post-graduate?  
[18] Q: Yes.  
[19] A: No.  
[20] Q: Are you presently employed?  
[21] A: Yes.  
[22] Q: And by whom are you presently employed?  
[23] A: Patheon.  
[24] Q: Would you spell that.

Page 7

[1] at MBCR?  
[2] A: From September 2003 to July 2005.  
[3] Q: And what were the circumstances under which  
[4] you left the MBCR?  
[5] A: I tendered my resignation.  
[6] Q: At the time you tendered your resignation,  
[7] were you given a choice of resigning or termination?  
[8] A: No.  
[9] Q: So it was a completely voluntary  
[10] resignation?  
[11] A: Yes.  
[12] Q: And what was your position during your  
[13] employment at MBCR?  
[14] A: Manager of organizational development.  
[15] Q: And what were the duties of that position?  
[16] A: To lead and coordinate the primarily human  
[17] resources functions.  
[18] Q: And were you the manager of organizational  
[19] development during the entire almost two-year period  
[20] that you were with MBCR?  
[21] A: Yes.  
[22] Q: Okay. Were you an employee, considered an  
[23] employee of MBCR?  
[24] A: During that period, yes.

Page 16

[1] A: No, I did not.  
[2] Q: Okay. And do you recall that Mr. Mistovich  
[3] was terminated from his position at MBCR back in  
[4] March of 2004?  
[5] A: Yes.  
[6] Q: And do you know how long sitting here today  
[7] Mr. Mistovich worked at MBCR before he was  
[8] terminated?  
[9] A: He was hired July 1st, 2003.  
[10] Q: Did you have any participation in the  
[11] hiring of Eli Mistovich?  
[12] A: Could you describe "hiring."  
[13] Q: You said he was hired July 1st of 2003.  
[14] What did you mean by the word "hiring" or "hire"?  
[15] A: He — Amtrak employees that were employed  
[16] in approximately March of 2002 were offered  
[17] employment with MBCR as outlined in the terms and  
[18] conditions of the operating agreement between MBCR  
[19] and the MBTA. Mr. Mistovich would have received the  
[20] letter that all those eligible received.  
[21] Q: Okay. Do you recall what Mr. Mistovich's  
[22] job title was when he was hired at MBCR?  
[23] A: No, I do not.  
[24] Q: Okay. Do you know what his

Page 17

[1] responsibilities were as —  
[2] A: Specifically, no.  
[3] Q: Okay. Between July of 2003 and his  
[4] termination in March of 2004, did you have any  
[5] interaction with Mr. Mistovich other than the  
[6] "termination incident," I'll call it, while he  
[7] worked at MBCR?  
[8] A: When you mean "interaction," you mean any  
[9] contact whatsoever?  
[10] Q: Yes.  
[11] A: Yes.  
[12] Q: And what contact do you recall you had with  
[13] him?  
[14] A: He was in the board room one day with a  
[15] group of other people, and I remember speaking  
[16] specifically to him.  
[17] Q: Do you recall what the subject of the  
[18] discussion was?  
[19] A: More just "Hello." In the sense that my  
[20] position in the room, as I tried to leave, I had to  
[21] ask him to push his chair in, and we said, "Hello,"  
[22] and "How are you?"  
[23] Q: You didn't discuss anything substantively  
[24] having to do with employment, I take it?

Page 18

[1] A: No.  
[2] Q: Other than that do you recall any other  
[3] contacts with Mr. Mistovich?  
[4] A: Not specific conversations that I've had.  
[5] Q: Did you have an understanding as to whether  
[6] or not Mr. Mistovich had any supervisory  
[7] responsibilities over other employees at MBCR?  
[8] A: Could you restate that, please?  
[9] Q: Yes. Was it your understanding that Mr.  
[10] Mistovich had supervisory authority over other  
[11] employees at MBCR?  
[12] A: Yes.  
[13] Q: And do you know how many employees he  
[14] supervised?  
[15] A: No, I do not.  
[16] Q: Do you know what department he worked in?  
[17] A: Engineering.  
[18] Q: Engineering. And was there a separate  
[19] subdepartment that Mr. Mistovich was involved in, to  
[20] your knowledge?  
[21] A: Yes.  
[22] Q: And what was that?  
[23] A: Track.  
[24] Q: And do you know what the — do you recall

Page 19

[1] what the responsibilities of, I'll call it, the  
[2] Track Department were?  
[3] A: No, I don't.  
[4] Q: Do you know if Mr. Mistovich had any  
[5] dealing with union employees while he worked at  
[6] MBCR?  
[7] A: Yes.  
[8] Q: And do you recall if Mr. Mistovich was a  
[9] member of a union?  
[10] A: I have no idea.  
[11] Q: Okay. You don't know whether he was  
[12] management or union?  
[13] A: He was classified as a salaried employee.  
[14] Q: Okay.  
[15] A: I don't know if he was a member of a union.  
[16] Q: Do you know if Mr. Mistovich supervised  
[17] union employees while he was at MBCR?  
[18] A: Directly or indirectly?  
[19] Q: No, directly.  
[20] A: I don't know that.  
[21] Q: How about indirectly?  
[22] A: Yes.  
[23] Q: And what was your understanding of his  
[24] supervisory authority?

Page 52

[1] any actions as head of Human Resources functions at  
[2] MBCR?  
[3] A: As a result of the meeting, no.  
[4] Q: Other than these two meetings, did you have  
[5] any other discussions face to face or by telephone  
[6] with City Councilor Turner concerning the makeup of  
[7] the MBCR workforce?  
[8] A: Not to my knowledge.  
[9] Q: Did you have any written communications  
[10] with City Councilor Turner either from him to you or  
[11] you to him?  
[12] A: No.  
[13] Q: Do you recall having discussions with any  
[14] other representative of the City of Boston about the  
[15] makeup of the MBCR workforce prior to March of 2004?  
[16] A: No knowledge at all.  
[17] Q: After the first meeting with Councilor  
[18] Turner, did you attend any meeting with Kevin Lydon  
[19] at which Councilor Turner's concerns were discussed?  
[20] A: None that I can recall.  
[21] Q: After Alison Leaton was contracted to  
[22] become a recruiter, did you have discussions with  
[23] her about hiring minorities or recruiting minorities  
[24] for employment at MBCR?

Page 53

[1] A: Not to my recollection.  
[2] Q: I'm going to show you what was marked as  
[3] Urban Deposition Exhibit 4.  
[4] A: (Reviewing document)  
[5] Q: And have you seen a copy of that letter  
[6] before?  
[7] A: Yes.  
[8] Q: And that was given to Mr. Mistovich on  
[9] March 30th, 2004; is that correct?  
[10] A: Yes.  
[11] Q: Excuse me one second. (Reviewing  
[12] documents) I'm going to show you a copy of Nevero  
[13] Deposition Exhibit 5.  
[14] A: (Reviewing document)  
[15] Q: Do you recognize that document or the  
[16] contents of the document, Ms. Bowden?  
[17] A: Yes, I've seen them before.  
[18] Q: And the bottom section of it appears to be  
[19] an e-mail from you to Alison Leaton —  
[20] A: Uh-huh.  
[21] Q: — dated March 11, 2004, 2:14 p.m.,  
[22] correct?  
[23] A: Yes.  
[24] Q: Do you recall sending an e-mail to Ms.

Page 54

[1] Leaton?  
[2] A: Yes.  
[3] Q: And the top portion of Exhibit 5 would Ms.  
[4] Leaton's reply to you at about 4:56 p.m., correct?  
[5] A: Yes.  
[6] Q: Before sending this e-mail to Ms. Leaton on  
[7] March 11, did you have a conversation with her?  
[8] A: Yes.  
[9] Q: Okay. And was this a telephone  
[10] conversation or face-to-face conversation?  
[11] A: Face to face.  
[12] Q: Okay. And where did that occur?  
[13] A: In my office.  
[14] Q: Okay. What was the occasion of her coming  
[15] to your office, if you remember?  
[16] A: I do not remember.  
[17] Q: And what do you recall Ms. Leaton saying to  
[18] you on March 11, 2004, that triggered you to send  
[19] this e-mail?  
[20] A: I'm not certain she spoke with me on March  
[21] 2000 — March 11th, 2004.  
[22] Q: Okay. So it was either — it was prior to  
[23] the time you sent the e-mail?  
[24] A: Yes.

Page 55

[1] Q: So you had a conversation with Ms. Leaton  
[2] that resulted in you sending this e-mail?  
[3] A: Yes.  
[4] Q: Okay. Was it more than one conversation?  
[5] A: Not to my recollection.  
[6] Q: Was anyone else present during this  
[7] conversation?  
[8] A: Not to my recollection.  
[9] Q: All right. And what did many Ms. Leaton  
[10] say to you, and what do you recall you said to her?  
[11] You don't have to recall the exact words?  
[12] A: That she had concerns that Eli Mistovich  
[13] was filtering candidates out based on their address,  
[14] and that he was assuming they were black.  
[15] Q: Okay. When you say "filtering candidates  
[16] based on their address," are you referring to  
[17] resumes?  
[18] A: Yes.  
[19] Q: And did she explain to you what the basis  
[20] of that concern was?  
[21] A: She had a particular resume of a candidate  
[22] that on paper met all the established  
[23] qualifications, and Eli wouldn't consider the  
[24] person.

Page 56

[1] Q: That's what she told you?  
[2] A: Yes, essentially.  
[3] Q: And then you recall anything else she said?  
[4] A: Not specifically at that meeting point.  
[5] Q: Did she identify the candidate she was  
[6] referring to?  
[7] A: Not to my recollection.  
[8] Q: Did she show you a copy of the resume?  
[9] A: Not at that time.  
[10] Q: Did you see a copy of the resume she was  
[11] talking about?  
[12] A: Not to my recollection.  
[13] Q: Do you recall the name of any candidate or  
[14] candidates she was referring to?  
[15] A: The candidate's name was Marvin Morgan.  
[16] Q: I'm going to show you what was marked as  
[17] Urban Exhibit 2.  
[18] A: Okay.  
[19] Q: Have you seen that — that was identified  
[20] at Mr. Urban's deposition as the Morgan resume.  
[21] A: Okay.  
[22] Q: Have you seen that before?  
[23] A: Yes.  
[24] Q: Okay. Did you see it before the decision

Page 57

[1] was made to terminate Mr. Mistovich?  
[2] A: I don't know.  
[3] Q: Okay. When — have you seen it prior to  
[4] your deposition today?  
[5] A: Yes.  
[6] Q: Okay. Prior to the institution of this  
[7] lawsuit, do you recall seeing the Morgan resume or a  
[8] copy of it?  
[9] A: I do not recall.  
[10] Q: Okay. What is it about that resume that  
[11] would suggest Mr. Morgan's race?  
[12] A: To me? Or to...  
[13] Q: I take it Ms. Leaton said that Mr.  
[14] Mistovich was screening out black candidates because  
[15] of addresses in a resume?  
[16] A: Uh-huh.  
[17] Q: Well, there was an address in Dorchester.  
[18] Was it Ms. Leaton's contention that because Mr.  
[19] Morgan was from Dorchester, that he was black? I'm  
[20] trying to understand what her allegation was.  
[21] A: It is the city address that Mr. Mistovich  
[22] advised Ms. Leaton that he felt he had adequate  
[23] knowledge of the composition of that group of people  
[24] that lived there that this candidate had a higher

Page 58

[1] probability of being black.  
[2] Q: Ms. Leaton told you that's what Mr.  
[3] Mistovich told her?  
[4] A: Essentially, yes.  
[5] Q: That he actually said, oh, that because  
[6] he's from Dorchester, there's a high probability of  
[7] him being black?  
[8] A: Yes.  
[9] Q: Okay. Is there anything — you looking at  
[10] that resume, could you tell Mr. Morgan's race simply  
[11] by looking at that resume?  
[12] A: (Reviewing document) As a non-resident,  
[13] I'm not familiar with the composition of the  
[14] communities in the greater Boston area, so  
[15] personally, no, I could not.  
[16] Q: Okay.  
[17] A: However, others familiar with the various  
[18] compositions could make educated decisions.  
[19] Q: You're saying a person from Dorchester,  
[20] that another person looking at the resume would know  
[21] that a person was black; is that what you're saying?  
[22] MS. RUBIN: Objection.  
[23] A: No, that's not what I said.  
[24] Q: Okay. Maybe I misunderstood you. What is

Page 59

[1] there about that address that you think anyone could  
[2] make a determination of a person's race?  
[3] A: Individuals in individual communities are  
[4] made of a composition of people which is on record,  
[5] and those familiar with the geographical area would  
[6] know what the primary composition of a —  
[7] Q: You mean the street address or Dorchester  
[8] in general?  
[9] A: A town or city in general, yes.  
[10] Q: Do you know where Kevin Lydon lives?  
[11] A: No, I do not.  
[12] Q: Would it surprise you to learn, be advised,  
[13] that he lives in Dorchester, Savin Hill?  
[14] A: Not surprised by it.  
[15] Q: Do you know — Mr. Lydon is white, is he  
[16] not?  
[17] A: Yes, he is.  
[18] Q: So just so I'm clear. Ms. Lydon (sic) told  
[19] you that Mr. Mistovich had informed her that because  
[20] Mr. Morgan was from Dorchester, he made an  
[21] assumption that he was black and did not want to  
[22] hire him?  
[23] A: Did not want to interview him.  
[24] Q: Or did not want to interview him?



Page 60

[1] **A:** Correct.

[2] **Q:** And those were Ms. Leaton's words?

[3] **MS. RUBIN:** Objection.

[4] **A:** No.

[5] **Q:** Okay. Well, maybe I misspoke. The

[6] statement that Morgan was probably black, did that,

[7] according to Ms. Leaton, did that come from Mr.

[8] Mistovich's lips?

[9] **A:** The phrase from — was that he had trouble

[10] with people like that, and when pressed, Ms. Leaton

[11] said, "What do you mean, black?" And he said,

[12] "Yes."

[13] **Q:** How did Ms. Leaton know he was black?

[14] **MS. RUBIN:** Objection.

[15] **A:** I don't know.

[16] **Q:** Well, do you know — Mr. Morgan was

[17] subsequently interviewed and hired, correct?

[18] **A:** That's my understanding.

[19] **Q:** Okay. And he is black; is that your

[20] understanding? Well, let me withdraw the question.

[21] Have you ever met Mr. Morgan?

[22] **A:** No.

[23] **Q:** Do you know what his race is?

[24] **A:** Yes.

Page 61

[1] **Q:** Okay. Is he black?

[2] **A:** Yes.

[3] **Q:** Do you know where Ms. Leaton got Mr.

[4] Morgan's resume?

[5] **A:** No.

[6] **Q:** When you had this conversation with Ms.

[7] Leaton, did she indicate to you that she knew Mr.

[8] Morgan's race?

[9] **A:** She did not indicate to me that she knew

[10] Mr. Morgan's race.

[11] **Q:** Okay. Well, let's look at Exhibit 5. You

[12] asked Ms. Leaton for a detailed outline concerning

[13] the conversation she had with Mr. Mistovich,

[14] correct?

[15] **A:** Yes.

[16] **Q:** Okay. And then she responded to you in the

[17] top part of that?

[18] **A:** Yes.

[19] **Q:** Other than this e-mail response, do you

[20] recall receiving any other information from Ms.

[21] Leaton on March 11th?

[22] **A:** Receiving other information on March 11?

[23] **Q:** Yes.

[24] **A:** I do not recall that.

Page 62

[1] **Q:** Okay. And on the top where Ms. Leaton was

[2] responding to you, she said, "The only conversation

[3] I had with Eli about whom to interview or not was

[4] late last week." So the discussion that she had

[5] with Eli Mistovich had occurred sometime prior to

[6] March 11th, correct?

[7] **A:** That's what she's written, yes.

[8] **Q:** Do you know when this conversation between

[9] Ms. Leaton and Mr. Mistovich occurred?

[10] **MS. RUBIN:** Do you mean now, or did she

[11] know on March 11th?

[12] **Q:** Do you know when the initial conversation

[13] occurred?

[14] **A:** Well, I learned later through further

[15] interviews with Ms. Leaton that it happened.

[16] **Q:** Well, do you know —

[17] **A:** On or about March 5th.

[18] **Q:** Okay. Now, she in this — did you see

[19] anywhere in this narration of the conversation where

[20] Mr. Eli or Mr. Mistovich actually makes the

[21] statement that Mr. Morgan was black? I mean, she

[22] refers to, in the third line, Mr. — Eli's

[23] assumption that he was black.

[24] **A:** Right. That's —

Page 63

[1] **Q:** Well, that's what Ms. Leaton says that Mr.

[2] Mistovich assumed?

[3] **MS. RUBIN:** Do you have a question? I'm

[4] sorry.

[5] **Q:** Yes. Do you see anywhere in there where

[6] there's a statement attributed to Mr. Mistovich that

[7] he considered Mr. Morgan to be black by race?

[8] **A:** So "in that conversation" is the phrase

[9] that implies that it's from Eli's assumption that he

[10] was black. It's in the same sentence.

[11] **Q:** So you construed that as Mr. Mistovich

[12] actually making a statement, Morgan was black, and

[13] he didn't want to hire him?

[14] **A:** He was under that assumption, yes.

[15] **Q:** Well, I didn't ask you what assumption he

[16] was — I'm just wondering your understanding of the

[17] statements that Mr. Mistovich made.

[18] **MS. RUBIN:** Objection.

[19] **Q:** I'm not asking anyone to be a mind reader.

[20] **A:** My understanding was that he wouldn't

[21] consider interviewing the individual because under

[22] the address he made the assumption he was black.

[23] **Q:** Then she says he was not happy about it and

[24] said, "He had not had good luck with people like



Page 72

[1] Q: And was that on or before March 15, 2004?  
[2] A: Yes.  
[3] Q: Okay. And did you communicate Ms. Leaton's  
[4] concerns to Steven Nevero prior to March — either  
[5] on or before March 15?  
[6] A: I don't know.  
[7] Q: Did you communicate Ms. Leaton's concerns  
[8] to Mr. Urban on or before March 15, 2004?  
[9] A: I don't know.  
[10] Q: Okay. Now, as of March 15, had you  
[11] communicated Ms. Leaton's concerns to Mr. Mistovich  
[12] as of the date of the meeting?  
[13] A: I don't recall doing it.  
[14] Q: Okay. Do you recall if you took any notes  
[15] of this meeting on March 15, 2004?  
[16] A: I do not.  
[17] Q: Why did you communicate Ms. Leaton's  
[18] concerns to Beth Trowbridge?  
[19] A: The recruiter was again reporting to Beth  
[20] upon her return from her mat leave to bring her up  
[21] to speed.  
[22] Q: Did Ms. Leaton communicate her concerns to  
[23] Ms. Trowbridge?  
[24] A: No.

Page 73

[1] Q: Oh, okay.  
[2] A: And Beth subsequently participated in a  
[3] meeting with Ms. Leaton and myself.  
[4] Q: Okay. Was there a subsequent meeting  
[5] between — after March 15th between you and Ms.  
[6] Leaton —  
[7] MS. RUBIN: Objection.  
[8] Q: — and Ms. Trowbridge?  
[9] A: There were meetings but the specific dates  
[10] I don't have in my head.  
[11] Q: Okay. Well, you referred to a meeting —  
[12] A: Uh-huh.  
[13] Q: — that you had with Beth Trowbridge and  
[14] Alison Leaton, correct?  
[15] A: Yes, I don't remember the exact date.  
[16] Q: Was it after March 15, 2004?  
[17] A: I don't remember the exact date.  
[18] Q: Well, I'm trying to see if I can give you a  
[19] framework to assist you. Was it before the March  
[20] 26th meeting with Mr. Mistovich, Urban and Nevero?  
[21] A: Yes.  
[22] Q: Okay. And was there more than one meeting  
[23] you had with Alison Leaton and Beth Trowbridge?  
[24] A: Not that I can recall.

Page 74

[1] Q: And where did the meeting with Leaton and  
[2] Trowbridge occur?  
[3] A: In my office.  
[4] Q: And was there anyone else present?  
[5] A: No.  
[6] Q: And what do you recall being said at the  
[7] meeting?  
[8] A: We asked Alison, well, to give further  
[9] explanation on her concern and the process that she  
[10] had gone through to date on this matter.  
[11] Q: And what did Ms. Leaton say?  
[12] A: She advised the sort of the protocol that  
[13] she had taken when she had the initial communication  
[14] and questions and concerns that had been raised in  
[15] asking Mr. Mistovich for clarification of his  
[16] intent, his comment; and we asked her to clarify  
[17] whether or not there was any sense of  
[18] misunderstanding on her part.  
[19] Q: And what was her response?  
[20] A: That it was very clear and there was no  
[21] misunderstanding of what was intended by Mr.  
[22] Mistovich's comments and actions.  
[23] Q: Did she quote anything that Mr. Mistovich  
[24] said?

Page 75

[1] A: I don't know specifically at this time.  
[2] Q: Okay. But she said to you there was no  
[3] misunderstanding on her part that Mr. — of what Mr.  
[4] Mistovich said and meant; is that correct?  
[5] A: Yes, that's —  
[6] Q: So there's no misunderstanding on Ms.  
[7] Leaton's part that Mr. Mistovich said and meant to  
[8] exclude blacks from the interview process?  
[9] A: Correct.  
[10] Q: Okay. Do you recall anything Beth  
[11] Trowbridge said?  
[12] A: Nothing. I recall nothing.  
[13] Q: Now, you met with Mistovich, Urban and  
[14] Nevero on March 26th, 2004, correct?  
[15] A: Yes.  
[16] Q: And what was the purpose of that meeting?  
[17] Well, let me withdraw that question.  
[18] Who decided to have a meeting on March  
[19] 26th, 2004?  
[20] A: I'm not sure I understand what you mean.  
[21] Q: Well, there's a meeting. Mr. Mistovich, do  
[22] you know when he was notified of the meeting?  
[23] A: I do not remember.  
[24] Q: I take it, it's fair to say it wasn't Mr.

Page 80

[1] A: Yes.  
[2] Q: Let me show you another — what appears to  
[3] be a set of e-mails produced by MBCR Bates stamped  
[4] No. 5 and 6.  
[5] A: (Reviewing document)  
[6] Q: Do you recognize those e-mails, Ms. Bowden?  
[7] A: Yes.  
[8] Q: Now, it looks like, if you start on Page 6,  
[9] there's a repetition of a previous e-mail we  
[10] discussed?  
[11] A: Yes.  
[12] Q: Okay. By the way, in that e-mail that's —  
[13] the last comment you made to Ms. Leaton is, "I need  
[14] this" — that is her detailed outline — "by the  
[15] close of business Friday by e-mail." Do you recall  
[16] why you needed her detailed outline by the close of  
[17] business — this is Friday, March 11th — so that  
[18] would be Friday, March 12th?  
[19] A: I do not recall.  
[20] Q: Was this a concern of some urgency to you;  
[21] do you recall?  
[22] A: I do not recall. I do not recall why I  
[23] asked for that specific...  
[24] Q: Then on the first page of this — these

Page 81

[1] documents, there's a repeat of Ms. Leaton's e-mail  
[2] to you of March 11th, and then above that, you  
[3] e-mail her on March 15th at 8:26 p.m. "Please  
[4] review attached. Have I captured the meeting  
[5] correctly? Please review and advise Tuesday." When  
[6] you say "attached," were you referring to her  
[7] previous e-mail to you?  
[8] A: No.  
[9] Q: Was there something else that you were  
[10] referring to?  
[11] A: Yes.  
[12] Q: What was that?  
[13] A: An attachment of notes taken that was held,  
[14] a meeting held between Beth and between Alison and  
[15] I.  
[16] Q: So you took notes of the meeting with Beth,  
[17] Alison and you that you refer to, and you sent those  
[18] to Ms. Leaton?  
[19] A: Uh-huh.  
[20] Q: Okay.  
[21] A: Yes.  
[22] Q: Let me show you another two documents that  
[23] are Bates stamped 2 and 3 from MBCR production and  
[24] ask you to take a look at that.

Page 82

[1] A: (Reviewing document)  
[2] MR. TEAGUE: While you're looking, why  
[3] don't we mark the series of e-mails that had the top  
[4] e-mail of Tuesday, March, 16, 2004, at 9:28 p.m.,  
[5] from Alison Leaton to Elizabeth Bowden and Elizabeth  
[6] Trowbridge. I believe it would be Bowden Exhibit  
[7] 29.  
[8] (Document marked as Bowden  
[9] Exhibit 29 for identification)  
[10] Q: Okay. Now, the document stamped 2 and 3,  
[11] do you recognize those, Ms. Bowden?  
[12] A: Yes.  
[13] Q: And what are those — what is that  
[14] document?  
[15] A: Summary of the meeting that was held on  
[16] March 15 with Alison Leaton, Beth Trowbridge and  
[17] myself.  
[18] Q: Okay. And did you send a copy of this  
[19] summary to Ms. Leaton?  
[20] A: Yes.  
[21] Q: Okay. And that's the document that's  
[22] referred to in the middle e-mail on the first page  
[23] of Exhibit 29?  
[24] A: Yes.

Page 83

[1] MR. TEAGUE: Okay. Why don't we have the  
[2] summary of the March 15 meeting marked as — we'll  
[3] call it "Bowden Exhibit 30."  
[4] (Document marked as Bowden  
[5] Exhibit 30 for identification)  
[6] Q: Did you ever show Exhibit 30 to Eli  
[7] Mistovich?  
[8] A: Not to my knowledge.  
[9] Q: Did you show it to the members of the team  
[10] or committee, as you referred to them, Mr. Urban or  
[11] Nevero or Lydon or counsel?  
[12] A: I don't know.  
[13] Q: Okay. Now, do you know who communicated to  
[14] Mr. Mistovich that there would be a meeting on March  
[15] 26th?  
[16] A: I don't remember.  
[17] Q: Do you recall having any communications  
[18] with Mr. Mistovich prior to March 26th about the  
[19] meeting?  
[20] A: I don't recall.  
[21] Q: Do you remember receiving any voice mail  
[22] from Mr. Mistovich about the purpose of a meeting he  
[23] was asked to attend on March 26th?  
[24] A: I don't remember a voice mail.

Page 84

[1] Q: Now, when you and Elizabeth Trowbridge met  
[2] with Alison Leaton on March 15th, did you inform Ms.  
[3] Leaton of the purpose of that interview prior to  
[4] March 15 or prior to the interview being conducted?  
[5] A: I don't recall.  
[6] Q: To your knowledge did either Mr. Nevero or  
[7] Mr. Urban discuss the purpose of the meeting with  
[8] Mr. Mistovich before March 26th?  
[9] A: I have no knowledge of that.  
[10] Q: Did you ever tell Mr. Nevero not to tell  
[11] Mr. Mistovich the purpose of the meeting?  
[12] A: Not to my knowledge.  
[13] Q: Was there a reason you did not inform Mr.  
[14] Mistovich of the purpose of the meeting prior to  
[15] March 26th?  
[16] A: It's standard practice during  
[17] investigations to keep the primary details of the  
[18] investigation confidential until the conducting of  
[19] the face-to-face meetings.  
[20] Q: Well, the details had been discussed with  
[21] Ms. Leaton on at least two occasions and e-mailed  
[22] back and forth; is that correct?  
[23] A: From her knowledge of it, yes.  
[24] Q: Yes. And Ms. Trowbridge was aware of it?

Page 85

[1] A: Yes.  
[2] Q: And the members of the team, Mr. Davey, Mr.  
[3] Leaton (sic), Mr. Nevero, Mr. Urban and you were  
[4] aware of it, correct?  
[5] A: Yes.  
[6] Q: So the only one that wasn't aware of the  
[7] purpose of the meeting and the allegations on March  
[8] 26th to your knowledge was Mr. Mistovich; is that  
[9] correct?  
[10] MS. RUBIN: Objection.  
[11] A: I don't know who else had knowledge.  
[12] Q: I said do you know of anyone else — do you  
[13] know if Mr. Mistovich had any advance knowledge of  
[14] this meeting?  
[15] A: I don't know.  
[16] Q: Did anyone ever suggest that it might be  
[17] fair to inform him in advance of the purpose of the  
[18] meeting?  
[19] A: As I said, it's practice of investigations  
[20] of this nature that the substantive information is  
[21] retained confidential until the time of the  
[22] face-to-face meeting.  
[23] Q: When you say "standard practice," where is  
[24] that standard practice? What's the source of that?

Page 86

[1] A: The guideline approach that's used to  
[2] complete detailed investigations of this nature.  
[3] Q: Is there a written guideline for conducting  
[4] investigations as to —  
[5] A: No.  
[6] Q: — as to allegations of racial  
[7] discrimination?  
[8] A: Not to my knowledge.  
[9] Q: Okay. What were you referring to when you  
[10] said "guidelines"?  
[11] A: It's best practice used within  
[12] organizations to complete investigations.  
[13] Q: This is your understanding of the practices  
[14] that are used? In other words, is there any written  
[15] document that says you shouldn't inform the subject  
[16] of an investigation of the purpose of it prior to  
[17] the interview?  
[18] A: I'm not aware of a specific document.  
[19] Q: Okay. Had you conducted any previous  
[20] investigations, as you call them, of discrimination  
[21] in hiring at MBCR?  
[22] A: No.  
[23] Q: Had you conducted any investigations of  
[24] racial discrimination in hiring in any of the other

Page 87

[1] organizations you were employed by?  
[2] A: No.  
[3] Q: Now, the meeting on March 26th, 2004, what  
[4] room did that occur in?  
[5] A: I don't know the name of it.  
[6] Q: Was it a conference room?  
[7] A: Yes.  
[8] Q: Where was the location, the address?  
[9] A: 33 Cobble Hill Road.  
[10] Q: And did — do you recall who sat where at  
[11] this meeting?  
[12] A: Relative to what?  
[13] Q: Well, were you sitting across from Mr.  
[14] Mistovich?  
[15] A: Not directly. Almost on the same angle  
[16] that we are at this point in time now.  
[17] Q: So Mr. Mistovich was on one side of the  
[18] table; is that correct?  
[19] A: (Nods head)  
[20] Q: And you were on the other side of the  
[21] table?  
[22] A: Yes.  
[23] Q: Were Mr. Nevero and Mr. Urban on your side  
[24] of the table?

Page 88

- [1] A: No.
- [2] Q: Were they on Mr. Mistovich's side of the
- [3] table?
- [4] A: Mr. Nevero was.
- [5] Q: Okay. And where was Mr. Urban?
- [6] A: At the head of the table.
- [7] Q: So Nevero (sic) is at the head. You're
- [8] across from Mr. Mistovich, and Mr. Nevero is sitting
- [9] beside Mr. Mistovich; is that how people were
- [10] seated?
- [11] THE WITNESS: (To the stenographer) You
- [12] may want to read back what he just he just said. I
- [13] don't think he phrased it properly.
- [14] Q: You were across a table from Mr. Mistovich,
- [15] is that correct —
- [16] A: Yes.
- [17] Q: — at the meeting? Mr. Urban, the number
- [18] two man in MBCR, was seated at the head of the
- [19] table?
- [20] A: Yes.
- [21] Q: And then that left Mr. Nevero?
- [22] A: Yes.
- [23] Q: And where was he seated —
- [24] A: On the same side —

Page 89

- [1] Q: — in relation — let me finish the
- [2] question — in relation to Mr. Mistovich?
- [3] A: To Mr. Mistovich's right.
- [4] Q: Okay. Did you ask Mr. Mistovich to bring
- [5] any records or documents to the meeting with him?
- [6] A: No.
- [7] Q: Did you suggest that he take notes at the
- [8] meeting?
- [9] A: Not that I recall.
- [10] Q: Did you take notes at the meeting?
- [11] A: I did.
- [12] Q: All right. Let me show you what we've
- [13] marked at Mr. Mistovich's deposition as Exhibit 11.
- [14] A: Okay. (Reviewing documents)
- [15] Q: Do you recognize that document or those
- [16] documents?
- [17] A: Yes.
- [18] Q: And what are those?
- [19] A: The notes that I prepared in summary of the
- [20] meeting held on March 26th.
- [21] Q: And when did you prepare this document?
- [22] A: March 26th.
- [23] Q: Okay. Were — was the conversation with
- [24] Mr. Mistovich recorded?

Page 90

- [1] A: Not to my knowledge.
- [2] Q: And did you make handwritten notes of the
- [3] meeting on which you based the summary?
- [4] A: Yes.
- [5] Q: And do you know where those notes are?
- [6] A: No, I do not.
- [7] Q: Okay. Now, the initial conversation
- [8] between Leaton and Eli Mistovich that triggered this
- [9] incident or this investigation occurred on March 4th
- [10] or March 5th, correct?
- [11] A: That is my understanding.
- [12] Q: That was some three weeks before this
- [13] meeting with Eli Mistovich, correct?
- [14] A: Yes.
- [15] Q: Okay. And then in Paragraph 3 of Exhibit
- [16] 11 you indicate you made a statement. Do you see
- [17] that?
- [18] A: Uh-huh.
- [19] Q: You recall making a statement to that
- [20] effect?
- [21] A: Yes.
- [22] Q: And telling Mr. Mistovich the reason for
- [23] the meeting; do you see that?
- [24] A: Yes.

Page 91

- [1] Q: Okay. Prior to that, I take it, you have
- [2] no knowledge of anyone informing Mr. Mistovich of
- [3] the purpose of the meeting?
- [4] A: I have no knowledge, correct.
- [5] Q: Now, in the next to last sentence of the
- [6] third paragraph, the one I was just referring to,
- [7] you refer to eliminating qualified "applicants" in
- [8] the plural because of their name and their home
- [9] address. Again, I'll ask you, at the meeting did
- [10] you have any other applicant in mind other than Mr.
- [11] Morgan that this had occurred to?
- [12] A: No, I did not.
- [13] Q: Did Mr. Mistovich appear surprised when you
- [14] informed him of the purpose of the meeting?
- [15] A: Not to my recollection.
- [16] Q: It's fair to say you expected Mr. Mistovich
- [17] to be surprised by this accusation, did you not?
- [18] MS. RUBIN: Objection.
- [19] A: No.
- [20] Q: This is an accusation of racism, isn't it?
- [21] A: Yes.
- [22] Q: And you would not expect an employee to be
- [23] surprised by an accusation of racism?
- [24] MS. RUBIN: Objection.

Page 100

[1] A: We prepared a spreadsheet of the  
[2] qualifications of those that had CDL.  
[3] Q: When you say "we prepared the spreadsheet,"  
[4] who prepared it?  
[5] A: The Human Resources Department coordinated  
[6] that.  
[7] Q: Well, who prepared it? Ms. Leaton?  
[8] A: Yes.  
[9] Q: Oh, okay. The accuser prepared it?  
[10] MS. RUBIN: Objection.  
[11] Q: Correct?  
[12] A: Yes.  
[13] Q: The person who made the —  
[14] A: Yes. I thought it was a statement, not a  
[15] question.  
[16] Q: Okay. Then you said Eli would not respond  
[17] beyond this comment. I'm going back to your —  
[18] A: What page, please?  
[19] Q: Right where you're looking on Page 2,  
[20] Question 3.  
[21] A: Okay.  
[22] Q: After —  
[23] A: Yes.  
[24] Q: — "This was not challenged." Did you ask

Page 102

[1] you're quoting from Ms. Leaton's version of the  
[2] conversation that she had with Mr. Mistovich three  
[3] weeks prior to your interview, correct?  
[4] MS. RUBIN: Objection.  
[5] A: Correct.  
[6] Q: Okay. And did you expect him to recall the  
[7] comments of Ms. Leaton at this meeting?  
[8] MS. RUBIN: Objection.  
[9] A: I'm sorry?  
[10] Q: You're quoting — in Question 4 you're  
[11] taking Ms. Leaton's version of a conversation and  
[12] presenting it to Mr. Mistovich, correct?  
[13] A: Correct.  
[14] Q: And this conversation that Ms. Leaton had  
[15] with Mr. Mistovich occurred three weeks prior to  
[16] your talking to him?  
[17] A: Yes.  
[18] Q: Is it — and did you expect him to remember  
[19] the exact content of the words that he said to Ms.  
[20] Leaton some three weeks later when he had no advance  
[21] notice of this meeting?  
[22] MS. RUBIN: Objection.  
[23] A: I did not expect him to remember his exact  
[24] words.

Page 101

[1] him for any response? It says, "I always select the  
[2] best or above-average candidates." And then you  
[3] said, "The point of who got selected for interviews  
[4] was." Did you anticipate a further response?  
[5] A: I don't recollect the specifics.  
[6] Q: Okay. Then in the next paragraph you said,  
[7] "As Eli was not providing any information, E. Bowden  
[8] stated that 'In the absence of comment from Eli, the  
[9] information from the recruiter was considered  
[10] accurate and without objection.'" Do you recall  
[11] making that statement?  
[12] A: I do recall making that statement.  
[13] Q: And then Eli's response was, "It sounds  
[14] like you've already made up your mind." You  
[15] remember him saying that?  
[16] A: Yes.  
[17] Q: And then you said that, "No conclusions  
[18] have been formed. That's the purpose of this  
[19] meeting," and then you said, "Eli chose not to add  
[20] anything more to the comment and not clarify any  
[21] points." At this time point did he appear upset?  
[22] A: I don't remember specifically.  
[23] Q: Okay. Then on the next page, which is  
[24] Bates stamped 11, you had another question. Again,

Page 103

[1] Q: For instance you said, "Your response was  
[2] you had more problems with people like that. What  
[3] did you mean by that statement?" And then you said,  
[4] "No further comment be added after the original  
[5] statement indicating he had, in fact, had problems."  
[6] Then it says, "Eli stated that during the hiring  
[7] requirements at his previous employer, he always  
[8] exceeded the required number." Do you recall him  
[9] making that statement?  
[10] A: Yes.  
[11] Q: And you knew his previous employer was  
[12] Amtrak, correct?  
[13] A: Yes.  
[14] Q: What, if any, efforts did you make to  
[15] validate Mr. — or verify Mr. Mistovich's hiring  
[16] record at Amtrak?  
[17] A: None.  
[18] Q: What did you mean when it says, "This  
[19] cannot be validated by MBCR"?  
[20] A: Cannot practice to go to a prior employer  
[21] to ask about someone's behaviors when completing an  
[22] investigation at a current employer.  
[23] Q: Yes, but this was — all of Amtrak's  
[24] employees, including Mr. Mistovich, were



Page 116

[1] mean you would be a good railroad trackman; is that  
 [2] correct?  
 [3] **MS. RUBIN:** Objection.  
 [4] **A:** Correct.  
 [5] **Q:** Would you agree that someone with railroad  
 [6] experience and knowledge of a trackman's particular  
 [7] duties might look for specifics in a work history?  
 [8] **MS. RUBIN:** Objection.  
 [9] **A:** Might, yes.  
 [10] **Q:** Did you ever show this e-mail of March 26th  
 [11] to Mr. Mistovich for a comment?  
 [12] **A:** Not to my knowledge.  
 [13] **MR. TEAGUE:** Why don't we mark this e-mail  
 [14] from Ms. Leaton to Ms. Bowden of March 26th as  
 [15] Exhibit 32.  
 [16] (Document marked as Bowden  
 [17] Exhibit 32 for identification)  
 [18] **Q:** Was —  
 [19] **MR. TEAGUE:** Off the record.  
 [20] (Discussion off the record)  
 [21] **Q:** Let me show you a document that's been  
 [22] Bates stamped No. 25.  
 [23] **A:** (Reviewing document)  
 [24] **Q:** Can you identify that?

Page 117

[1] **A:** Yes.  
 [2] **Q:** And what is it?  
 [3] **A:** It's a section of my notebook that I keep  
 [4] when I go to meetings. It's dated March 29th. A  
 [5] meeting that was held in Kevin Lydon's office with  
 [6] Kevin, himself, Steve Nevero, Steve Urban, Rich  
 [7] Davey, and myself to follow up on the meeting we had  
 [8] had on the 26th.  
 [9] **Q:** And can you read the entries and tell me  
 [10] what you recall about what they mean?  
 [11] **A:** Kevin Lydon led the meeting and asked first  
 [12] Steve Nevero for his take on the meeting and the  
 [13] outcome of the meeting, and he summarized that he  
 [14] felt that Eli was evading answers. He asked —  
 [15] Kevin asked Steve Urban the same question. He gave  
 [16] the same answer as Steve Nevero. He asked me and I  
 [17] shared the summary notes that were previously  
 [18] highlighted here. Rich reviewed the summary  
 [19] document that Alison had prepared and was  
 [20] completing, and then Kevin had a conversation with  
 [21] the group regarding the discussion of releasing Eli  
 [22] from MBCR giving him the opportunity to resign if he  
 [23] chose or to be terminated.  
 [24] **Q:** Did anyone at the meeting suggest talking

Page 118

[1] further to Mr. Mistovich?  
 [2] **A:** Not to my recollection.  
 [3] **Q:** Did anyone at the meeting suggest checking  
 [4] further with people who had worked with or under or  
 [5] above Mr. Mistovich at Amtrak?  
 [6] **A:** Not to my recollection.  
 [7] **Q:** At the March 30th meeting, I take it, you  
 [8] had this document, Nevero Exhibit 9?  
 [9] **MS. RUBIN:** Objection. You mean March  
 [10] 29th?  
 [11] **MR. TEAGUE:** What did I say?  
 [12] **Q:** March 29th meeting, you were referring to a  
 [13] summary, "Alison completing."  
 [14] **A:** Yes, that's what Rich had, yes.  
 [15] **Q:** Did you examine that at the meeting?  
 [16] **A:** I don't recall.  
 [17] **Q:** Okay. Were you — did anyone at the  
 [18] meeting refer to the fact that Mr. Mistovich had  
 [19] worked for Amtrak for more than 25 years before he  
 [20] came to MBCR?  
 [21] **A:** I'm not aware of that specific  
 [22] conversation.  
 [23] **Q:** Did anyone at the meeting bring up or  
 [24] mention that Mr. Mistovich had participated in

Page 119

[1] hiring while he worked at Amtrak?  
 [2] **A:** I don't recall.  
 [3] **Q:** Other than Leaton's accusations and your  
 [4] summary of the meeting of March 26th, was there any  
 [5] other reason discussed for terminating Mr.  
 [6] Mistovich's employment at this March 29th meeting?  
 [7] **A:** I'm sorry. Can you restate that?  
 [8] **Q:** Sure. The March 29th meeting, you and  
 [9] Nevero and Urban, you summarized and gave your  
 [10] impressions of the meeting with Mr. Mistovich of  
 [11] March 26th, correct?  
 [12] **A:** Yes, I shared the notes.  
 [13] **Q:** Okay. And other than that incident, the  
 [14] Alison Leaton accusations and the meeting that you  
 [15] had concerning them, were there any other reasons  
 [16] discussed at the meeting for terminating Mr.  
 [17] Mistovich?  
 [18] **A:** No.  
 [19] **Q:** Now, do you recall a meeting on March 30th  
 [20] at the Cobble Hill facility with Mr. Mistovich?  
 [21] **A:** Is that the date of the termination?  
 [22] **Q:** Well, yes, that's the date of the  
 [23] termination letter.  
 [24] **A:** Okay.

Page 120

[1] Q: Okay. You recall a meeting in which Mr.  
 [2] Mistovich was informed of the termination?  
 [3] A: Yes.  
 [4] Q: And who was present at that meeting?  
 [5] A: Steve Nevero, Steve Urban and myself, and  
 [6] Mr. Mistovich.  
 [7] Q: And at that meeting Mr. Mistovich was —  
 [8] what do you recall happening at that meeting? Why  
 [9] don't you tell me your recollection.  
 [10] A: Mr. Nevero led the meeting, and he outlined  
 [11] to Mr. Mistovich the outcome and decision of the  
 [12] details that had transpired over the previous few  
 [13] weeks and advised Mr. Mistovich that his employment  
 [14] with MBCR was being terminated and that he had two  
 [15] choices: he could resign or be terminated by the  
 [16] company. Mr. Mistovich was very, you know,  
 [17] surprised and upset. He inquired on whether he  
 [18] could stay involved in the organization employed,  
 [19] involved, however, not be involved in hiring, and  
 [20] Mr. Urban — I'm sorry — Mr. Nevero, I apologize —  
 [21] Mr. Nevero, again, leading the meeting, advised him  
 [22] that that was not an option. Mr. Mistovich inquired  
 [23] on whether he would be given a chance to think about  
 [24] the two choices that had just been presented to him,

Page 121

[1] and he was advised that he had to decide then; and  
 [2] he was not prepared to resign, and Mr. Nevero  
 [3] proceeded to then advise him that he would be  
 [4] terminated effective immediately. There was a  
 [5] reasonable silence in the room. Mr. Mistovich asked  
 [6] a question that I cannot remember at this point, but  
 [7] Mr. Urban responded, and then Mr. Urban escorted Mr.  
 [8] Mistovich out.  
 [9] Q: Was the decision to terminate Mr. Mistovich  
 [10] made at the March 29th meeting that we previously  
 [11] discussed?  
 [12] A: The decision to end his employment with  
 [13] MBCR was made then. So he was given the choice of  
 [14] whether to resign or to be terminated, but releasing  
 [15] him from employment from MBCR was decided at this  
 [16] meeting on the 29th.  
 [17] Q: Did anyone at the meeting of March 29th  
 [18] suggest a, perhaps, less drastic sanction —  
 [19] A: Not that I —  
 [20] Q: — than terminating an employee?  
 [21] A: Sorry. Not that I recall.  
 [22] Q: Were you aware that Mr. Mistovich on March  
 [23] 30th, 2004, had four children, two of whom were in  
 [24] college?

Page 122

[1] A: No, I was not.  
 [2] Q: Was any severance pay offered to Mr.  
 [3] Mistovich?  
 [4] A: Not to my knowledge.  
 [5] Q: When did Alison Leaton cease working as a  
 [6] consultant for MBCR?  
 [7] A: I don't know exactly.  
 [8] Q: Was it before you resigned in July of 2005?  
 [9] A: Yes.  
 [10] Q: And was someone else hired as a contract  
 [11] recruiter?  
 [12] A: Yes.  
 [13] Q: And what, if any, complaints did you  
 [14] receive from MBCR hiring managers about Alison  
 [15] Leaton prior to the termination of her contract?  
 [16] A: None to my knowledge.  
 [17] Q: Do you know why or have an understanding of  
 [18] the reason why she ceased working as a contractor  
 [19] for MBCR?  
 [20] A: Her contract — and I don't have the exact  
 [21] dates — but the length of the agreement, as I had  
 [22] previously advised, we expected this whole process  
 [23] to be temporary, short term, but we did want a  
 [24] commitment from the person in the position that they

Page 123

[1] wouldn't leave us two or three weeks into the  
 [2] project, so we had an understanding of some number  
 [3] of months, three, four, six, some number that she  
 [4] would agree to stay.  
 [5] So as that began to wind down, she said,  
 [6] "Look, I have to look for another job." We said,  
 [7] "Great. We understand that." So it was kind of a  
 [8] combination of she was very close with interviews  
 [9] and so on and giving a lot of indication that she  
 [10] was imminent to have a job and would give us only,  
 [11] of course, two weeks notice, which would be great,  
 [12] but we needed to get another contract recruiter in.  
 [13] So it ended up that we happened to find a  
 [14] contract recruiter, and we did a two —  
 [15] approximately two-week transition with Alison and  
 [16] the other recruiter. It was very amicable. And  
 [17] then Alison transitioned out, and the other  
 [18] recruiter then continued in the contract capacity.  
 [19] Q: Do you know where she went to work after  
 [20] MBCR?  
 [21] A: Alison?  
 [22] Q: Yes.  
 [23] A: No, I do not.  
 [24] Q: When was the last time you spoke to Alison